

Case 1:12-cv-03704-SAS-MHD Document 228-1 Filed 01/01/14 Page 1 of 5

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THOMAS LAUMANN, FERNANDA
GARBER, ROBERT SILVER, and PETER
HERMAN, representing themselves and all
others similarly situated,

Plaintiffs,

v.

NATIONAL HOCKEY LEAGUE, et al.,

Defendants

FERNANDA GARBER, MARC LERNER,
DEREK RASMUSSEN, and ROBERT
SILVER, representing themselves and all
others similarly situated.

Plaintiffs,

v.

OFFICE OF THE COMMISSIONER OF
BASEBALL, et al.,

Defendants

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/6/14

12-cv-1817 (SAS)

ECF Case

12 cv 3704 (SAS)

ECF Case

For good cause shown, the parties are directed to comply with the following schedule,

which amends the order entered by the Court on September 17, 2013 for these items:

First, each party shall serve expert reports on any issue (other than class certification and
merits damages) on which that party bears the initial burden of proof ("Initial Reports") no later
than three days after the deposition of Boston Red Sox owner John Henry (with the

Case 1:12-cv-03704-SAS-MHD Document 228-1 Filed 01/01/14 Page 2 of 5

understanding that a party may, but is not required, to address any additional issues that the party believes may be appropriate for summary judgment).

Second, each Defendant seeking to move for summary judgment shall file and serve a pre-motion letter outlining said motion no later than **seven days** after the service of the Initial Reports. Plaintiffs may also file and serve a pre-motion letter outlining a motion for summary judgment no later than **seven days** after the service of the Initial Reports, but are not required to do so. If Plaintiffs file and serve a pre-motion letter, any Defendant may indicate in its responsive letter that it intends to proffer expert evidence in opposition to said motion and Plaintiffs shall not argue that such expert evidence is precluded by the fact that the Defendant did not serve an expert report by the deadline for Initial Reports. Responsive letters shall be filed and served no later than **five days** after the filing and service of the pre-motion letters. The Court will hold a pre-motion conference on all proposed motions for summary judgment at its earliest convenience after the filing of the pre-motion letters, which shall include consideration of the contention of any party that necessary expert discovery in connection with the proposed motions cannot be accommodated by the schedule set forth below;

Third, unless otherwise ordered as a result of the pre-motion letters and conference, the following schedule shall apply:

- Any party seeking summary judgment at this time shall file and serve their motion and all supporting papers no later than **seven days** after the pre-motion conference. To the extent any party relies on expert declarations in support of its motion for summary judgment, the opposing party may depose the expert prior to filing its opposition to the motion.

Case 1:12-cv-03704-SAS-MHD Document 228-1 Filed 01/01/14 Page 3 of 5

- Oppositions to summary judgment motions shall be filed and served no later than 35 days after the filing of the summary judgment motions. To the extent any party relies on expert declarations in support of its opposition, the moving party may depose the expert prior to filing its reply.
- Replies in support of summary judgment shall be filed and served no later than 28 days after the filing of the oppositions to the summary judgment motions.

Fourth, to the extent that any claim remains unresolved after decision on the summary judgment motions, the following schedule shall apply to Plaintiffs' motion for class certification:

- Motion for class certification to be filed and served no later than 30 days after the Court issues its decisions on all motions for summary judgment. Plaintiffs shall serve any class certification expert disclosure, report and materials along with the motion for class certification.
- Defendants to depose plaintiffs' class certification experts no later than 28 days after service of the class certification motion.
- Defendants to file and serve oppositions to class certification no later than 49 days after service of the class certification motion.
- Plaintiffs to depose defendants' class certification experts no later than 14 days after service of defendants' opposition to class certification. Defendants shall serve any class certification expert disclosures, reports and materials along with the oppositions to class certification.
- Plaintiffs to file and serve reply in support of class certification no later than 35 days after service of the oppositions to class certification.

Case 1:12-cv-03704-SAS-MHD Document 228-1 Filed 01/01/14 Page 4 of 5

Fifth, the following schedule shall apply to all expert disclosures and discovery not addressed above:

- (a) Rebuttals to Initial Reports and (b) expert reports on any other non-damages issues not previously addressed in a party's expert reports shall be served no later than **30 days** after the completion of briefing Court issues its decision on class certification and Plaintiffs shall not argue that any expert report served at this time by any Defendant is precluded by the fact that the Defendant did not serve an expert report by **January 10, 2014**.
- Rebuttals to (b) above shall be served no later than **30 days** after receipt of the report.
- Plaintiffs' merits damages expert report shall be served no later than **30 days** after the Court issues its decision on class certification.
- Defendants' Rebuttals to Plaintiffs' merits damages expert shall be served no later than **30 days** after service of Plaintiffs' merits damages expert report.
- Depositions of experts to be completed **21 days** after service of Defendants' Rebuttals to Plaintiffs' merits damages expert, provided, however, that to the extent that a party deposed an expert in connection with the summary judgment motions, that party shall not depose the same expert again on any opinions or analysis that were disclosed in a declaration of that expert served prior to the first deposition.

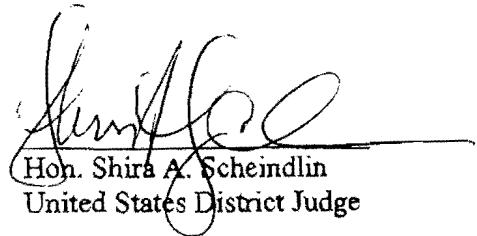
Sixth, if plaintiffs have not previously moved for summary judgment, they may propose a schedule for such motion within 14 days after the decision on class certification. Provided that plaintiffs have not previously moved for summary judgment, the defendants will not object to a schedule permitting plaintiffs to file a motion for summary judgment after the Court issues its decision on class certification.

Case 1:12-cv-03704-SAS-MHD Document 228-1 Filed 01/01/14 Page 5 of 5

Seventh, Daubert motions and any other motions in limine addressed to any expert testimony shall be served and filed no later than 30 days after conclusion of the last expert deposition.

SO ORDERED, at New York, New York,

DATED: 1/6/14



Hon. Shira A. Scheindlin
United States District Judge